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INFO RUEHLI/AMEMBASSY LISBON 1233
RUEHMD/AMEMBASSY MADRID 6081
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C O N F I D E N T I A L RABAT 000041

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STATE FOR INL, INR, L AND NEA/MAG
PARIS AND MADRID ALSO FOR DEA

E.O. 12958: DECL: 01/14/2029
TAGS: [SNAR](#) [MOPS](#) [PHSA](#) [PINR](#) [PREL](#) [KCRM](#) [KTIA](#) [MO](#)
SUBJECT: EMBASSY RECOMMENDS MARITIME INTELLIGENCE EXCHANGE
AGREEMENT WITH MOROCCO

Classified By: DCM Robert P. Jackson for reasons 1.4 (b), (c) and (d).

¶1. (C) Summary: This is an action request. Please see para ¶6. Embassy recommends development of an agreement between the United States Government (USG) and the Government of Morocco (GOM) authorizing the USG to pass "real world, real time" detection and monitoring (D and M) intelligence to the GOM for use in law enforcement operations at sea. End summary.

¶2. (C) The Royal Moroccan Navy (RMN) has requested this capability to assist the GOM with its efforts to combat narcotics and human trafficking as well as smuggling. The request came after the RMN's successful participation in Phoenix Express 2008 in April 2008. The maritime partnership between the USG and GOM has progressively improved over the years through cooperation, joint exercises and training. During recent consultations, GOM officials expressed an interest in moving beyond training towards carrying out "real world" missions with U.S. intelligence assistance to improve maritime governance in Morocco's national waters.

¶3. (C) The RMN has requested U.S. assistance in monitoring and identifying "contacts of interest" (COIs) in Moroccan and international waters. According to the GOM, hundreds of small fishing and pleasure craft are involved in smuggling and trafficking. While the GOM possesses patrol boats capable of intercepting COIs, it lacks sensors and intelligence to conduct effective D and M operations against these small craft.

¶4. (C) To combat this scourge, Embassy proposes intelligence transfer operations be undertaken within the parameters of several existing international agreements to include: the United Nations (UN) Convention Against the Illicit Traffic in Narcotics Drugs and Psychotropic Substances (1988), UN Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988), and the UN Convention Against Transnational Organized Crime (2000). All operations would be conducted in a manner consistent with the laws, regulations, and policies of the USG and GOM and the UN Convention on the Law of the Sea (1982).

¶5. (C) The proposed agreement would contribute to building a sustainable maritime law enforcement capacity in Morocco capable of stopping narco-trafficking, smuggling and illegal migration, as well as maintaining sustainable fishing stocks.

¶6. (C) Action Request: The Embassy recommends an exchange of diplomatic notes to constitute the agreement, which might contain the below attached provisions. Please advise concurrence.

17. (SBU) Begin Text of Diplomatic Note: The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Kingdom of Morocco and has the honor to refer to intelligence transfer to combat narcotics, weapons and human trafficking and smuggling.

Uniformed officers of the Royal Moroccan Navy (hereafter, &the embarked officers8) may be embarked in selected United States Navy vessels or aircraft, or other vessels and aircraft under the tactical control of the armed forces of the United States and used for the time being on government non-commercial service (hereafter, &Patrol Craft8). When embarked, the United States shall facilitate regular communications between the embarked officers and their headquarters in Rabat.

The embarked officers shall be empowered to grant U.S. Patrol Craft, on behalf of the Government of the Kingdom of Morocco, authority to enter the Morocco territorial airspace or sea and archipelagic waters to obtain and transmit information to:

(a) direct Moroccan Navy assets to stop, board, and search vessels suspected of violating Morocco laws or regulations;

(b) direct Moroccan Navy assets in the performance of fisheries surveillance and law enforcement activities in the Exclusive Economic Zone of the Kingdom of Morocco, to include the stopping, inspecting, detaining, directing to port and seizing of fishing vessels in accordance with the national laws and regulations of the Kingdom of Morocco;

(c) direct Moroccan Navy assets to stop, board, and search vessels located seaward of any State,s territorial sea and claiming registry or nationality in the Kingdom of Morocco for the enforcement of applicable laws and regulations of the Kingdom of Morocco.

In all cases arising in waters subject to the jurisdiction of Morocco, or concerning Morocco flag vessels seaward of any nation,s territorial sea, the Government of the Kingdom of Morocco shall have the right to exercise jurisdiction over a detained vessel and/or persons on board (including seizure, forfeiture, arrest, and prosecution), provided, however, that the Government of the Kingdom of Morocco may, subject to its Constitution and laws, waive its right to exercise jurisdiction and authorize the enforcement of another State,s law against the vessel and/or persons on board.

Assets seized as a result of any operation undertaken in waters subject to Moroccan jurisdiction pursuant to the proposed operations shall be disposed of in accordance with the laws of the Kingdom of Morocco. Assets seized as a result of any operation undertaken seaward of the territorial sea of Morocco pursuant to the proposed operations shall be disposed of in accordance with the laws of the Government exercising jurisdiction. To the extent permitted by its laws and upon such terms as it deems appropriate, one Government may, in any case, transfer forfeited assets or proceeds of their sale to the other Government.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Cooperation of the Kingdom of Morocco the assurances of its highest consideration. End Text of Diplomatic Note.

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Riley